

# UNITED STATES DISTRICT COURT

for the

District of \_\_\_\_\_

Division \_\_\_\_\_

Case No.

1:20-cv-00266-H

(to be filled in by the Clerk's Office)

Brian Orlando Williams

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

## COMPLAINT FOR VIOLATION OF CIVIL RIGHTS (Prisoner Complaint)

### NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Brian Orlando Williams

All other names by which  
you have been known:

ID Number

121216

Current Institution

Taylor County Jail

Address

910 South 27th St

Abilene

TX

79602

City

State

Zip Code

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Glady  
SergeantJob or Title (*if known*)

Shield Number

Employer

Taylor County Jail

Address

910 South 27th St

Abilene

TX

79602

City

State

Zip Code

☐

Individual capacity

☒

Official capacity

Defendant No. 2

Name

Brown  
OfficerJob or Title (*if known*)

Shield Number

Employer

Taylor County Jail

Address

910 South 27th St

Abilene

TX

79602

City

State

Zip Code

☐

Individual capacity

☒

Official capacity

## Defendant No. 3

Name

Moss

Job or Title (if known)

Officer

Shield Number

Employer

Taylor County Jail

Address

910 South 27th St

Abilene

City

TX

State

79602

Zip Code

☐

Individual capacity

☒

Official capacity

## Defendant No. 4

Name

Cpl Brannon

Job or Title (if known)

Corporal

Shield Number

Employer

Taylor County Jail

Address

910 South 27th St

Abilene

City

TX

State

79602

Zip Code

☐

Individual capacity

☒

Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐Federal officials (a *Bivens* claim)☒

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

4th Amendment - Tort claims Act

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?



- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Each defendant Assulted me an Violated forth Amendment

### III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☒ Convicted and sentenced federal prisoner
- ☐ Other (explain) \_\_\_\_\_

### IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

Taylor County Jail, Abilene Tx 9-28-2020

C. What date and approximate time did the events giving rise to your claim(s) occur?

9-28-2020 12:15 AM

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

I was assaulted by Jailor, Sgt. Gladys, Ctp. Brannan, Ofc Brown  
Ofc. Moss

All the above defendants Assaulted Violated 4th  
Amendment Rights

## V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Ribs Bruised, neck, Back and Thighs, legs Bruised  
Physical pain and suffering, Mental Pain and suffering  
Mental anguish in past and future. I was refused  
medical treatment for 2 days. I was put on pain  
medication. I was refused E/R

## VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Plaintiff seek damages against Defendants in the  
amount within the Jurisdictional limits of the  
Court over 100,000.00\$

**VII. Exhaustion of Administrative Remedies Administrative Procedures**

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Taylor County Jail, 910 south 29th st, Abilene Tx 79602

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes

☐ No

☐ Do not know

If yes, which claim(s)?

I was Assaulted, Medical Mal practices  
4th Amendment violated

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☒ Yes

☒ No

- E. If you did file a grievance:

1. Where did you file the grievance?

At Taylor County Jail

2. What did you claim in your grievance?

I was Assaulted an Medical Mal-practise

4th Amendment Violated

3. What was the result, if any?

I exhausted all steps of the Taylor County grievance

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

Grievance process completed



F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

Disability Right of Texas - Noe Montanez was notified. An they are investigating. They have all videos recording. Copies of all grievance and medical reports # 113-974-7691. An Texas Jail Project was notified # 832-444-1931

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

#### VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.



A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. \_\_\_\_\_

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☐ Yes

☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition \_\_\_\_\_

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

**IX. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 11/22/20

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

*Brian Orlando Williams*  
Brian Orlando Williams  
121216  
910 South 27th St  
Abilene T.X 79602  
City State Zip Code

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

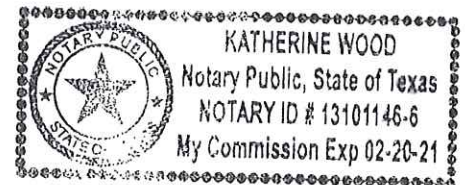
Address

\_\_\_\_\_  
City State Zip Code

Telephone Number

E-mail Address

*Katherine Wood*  
11/22/20





○ Taylor County

To The Honorable Judge of said court  
comes now Brian Orlando Williams Plaintiff complaining  
of Taylor County Jail an Officer's, SGT Glody,  
Cpl Brannon, Officer Brown, Officer Moss and for  
good cause would show as follows:

I

### Discovery Control Plan

Plaintiff respectfully request that the court  
order that discovery be conducted with a discovery  
control plan tailored for the needs of this  
case pursuant to Federal Rule of Civil Procedure 4  
FRCP 4(c)(2) on to Discovery level 3 under  
the Texas Rules of Civil Procedure expedited  
process, Plaintiff Brian Orlando Williams seeks  
damages against Defendant in the amount within  
the Jurisdictional limits of the Court over 100,000.00

II

### Parties and Service

Plaintiff Brian Orlando Williams (sometimes here in  
referred to as Plaintiff Williams) Is an individual  
residing in Abilene Texas.

Defendants Taylor County Jail - Ricky Bishop,  
an Officers, SGT Glody, Cpl Brannon, Officer Brown  
and OFC Moss are individuals residing in



2  
 In Abilene Texas. 910 south 27 street  
 79602, They may also be served  
 wherever service may be accomplished.

### III

#### Jurisdiction and Venue

The subject matter in controversy is within the jurisdictional limits of the United States District Courts Northern District of Texas. Abilene Division One, 341 Pine Street, Room 2008 Abilene, Texas 79601-5428. Venue is proper in Taylor County, Texas under § 15.002(a) (1) of Texas Civil Practice and Remedies Code because a substantial part of the events giving rise to the claim occurred in Taylor County, Abilene T.X

### IV.

#### Factual Allegations

On or about 9-27-2020 Plaintiff Williams was an inmate at Taylor County Jail, Abilene 910 south 27th st  
~~Plaintiff Williams~~ Williams was 4 amendment

Plaintiff is under imminent danger of serious physical injury," 28 U.S.C. § 1915(g)

violated Plaintiff constitutional rights.

The enforcement of a county policy or custom was the moving force behind the violation of Williams Constitutional/Right. The county ratified the



① Case ~~Two~~ Ofc Moss witness 3rd shift

On 9-27-2020 I was told that I was being moved to a different cell in Taylor County Jail 910 south 29 st Abilene Tex. So I turned around in my cell and was handcuffed behind my back through the door. As officers walked my down the hallway they had this thing they call The Wrap a full body straight jacket they Hog Tie you in. I said whats going on the through me down on Floor and started beating me with there knees, feet, hands and choking me from behind as I lay there handcuff behind my back. Then Cpl Brannon punch me in my ribs. Then I was taken out side on the rec Field and Sgt Glady punch me 10-20 time in my left arm and shoulder I had heart attack and seižgers blood pressure 204/131. Crude and unusel punishment, 131 Obsessive use of force, Police Brutality, I yelled out Black lives matter they said shut up Nigger Boy and beat me more. They call there self the Good de Boys They told me to go back



②

40 N.Y.C. 1m from south  
 Cardina not N.Y.C., Medical  
 refuse to see me an treat me  
 for 3 days until my swelling  
 went down some. 9-27-20 to  
 9-30-2020 nurse Jen said I  
 was full of shit I told her  
 to watch vidio survalnce of  
 the beating they gave me  
 she did then she apoligized  
 an had a wheel chair sent  
 to my cell to have an Officeo  
 push me to medical to see  
 nurse prationer/facility Doctor  
 they put me on lots of pain  
 medication. Ofc Moss 3rd shift  
 is a witness to how they beat  
 me. He said he will testify on my  
 behalf. Medical Mal-Practice they  
 lock me in cell 3 days peeing on  
 myself in pain not being able to  
 walk. Please get vidio records 9-27-20  
 to 10-1-2020, Please get Medical  
 records an Grievance records. Sgt Henry  
 said he not going against his officers. I appelled  
 an Cpt Truwick said he concor. An Nurse  
 Jen is he France an he dont want no  
 problems at home

Brian A. Miller



A) Injured Williams through the use of excessive force the deputies conduct. D)

B) The deputies are not entitled to qualified immunity.

E) The County is liable for the additional reasons that it failed to train and supervise the deputies who was the moving force behind the violation of Williams' constitutional rights. 4th Amendment the right to be free from excessive force, which include tightening handcuffs until they left deep furrows in Plaintiff Williams' wrists, hogtying in the wrap and pulling his head and neck backwards while applying 790 pounds of compressive force. No reasonable C/O would believe that the use of force was constitutional. No reasonable officer would believe that the Constitution permits a C/O to use pain compliance measures to stop someone who is mentally ill from flinching in response to be punch, knee and head pull back handcuffs.

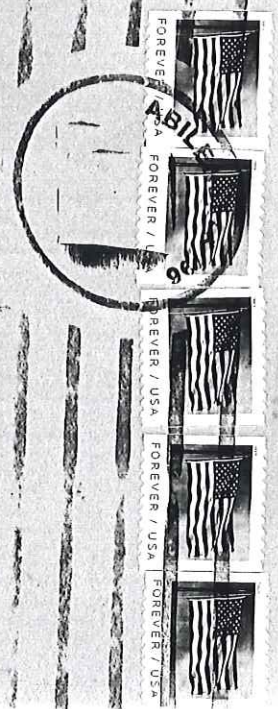
Back <sup>17</sup>

C/O caused asphyxiation by restraining detainee while hog-tied handcuff behind his back C/Os were aware that they were employing deadly force against plaintiff who not only was compliant but who also was already restrained so as to present no threat.

Taylor County be held liable for Constitutional torts caused either by (1) an ordinance, regulation, policy or decision promulgated and officially adopted by the County's officers, or (2) its unofficial customs and policies. (C) County ratified the deputies conduct. We find the ratification issue dispositive we address that point



#121216  
Abilene TX 79602  
Brian Ontario Williams  
916 S 29th Street  
Abilene TX 79602



District Court Clerk  
341 Pine St #2008  
Abilene Texas 7961

TRIM COPY  
FOR CLOSING

